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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

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14 WALTER SPURLOCK and ANDRE  
GUIBERT,

15 Plaintiffs,

16 v.

17 CITY AND COUNTY OF SAN  
FRANCISCO, AIRPORT COMMISSION OF  
18 THE CITY AND COUNTY OF SAN  
FRANCISCO, KEABOKA MOLWANE in his  
19 individual capacity and official capacity as  
Aviation Security and Regulatory Compliance  
20 Officer at the San Francisco International  
Airport, and JEFF LITTLEFIELD in his  
21 individual capacity and official capacity as  
Chief Operating Officer at San Francisco  
22 International Airport,

23 Defendants.

Case No. 3:23-cv-4429

**DEFENDANTS' REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF MOTION TO  
DISMISS THE FIRST AMENDED  
COMPLAINT**

## REQUEST FOR JUDICIAL NOTICE

Defendants respectfully request that the Court take judicial notice of relevant portions of the Charter of the City and County of San Francisco (“S.F. Charter”): Article 1, section 1.101 and Article IV, sections 4.100, 4.102, 4.115, and 4.126. These provisions are attached as **Exhibit A** to the Declaration of Molly J. Alarcon in Support of Defendants’ Request for Judicial Notice (the “Declaration”). They are also available online at the URLs indicated in the Declaration.

Pursuant to Federal Rule of Evidence 201, the court “may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). As a public record, the S.F. Charter is a proper matter for judicial notice. *E.g.*, *Santa Monica Food Not Bombs v. City of Santa Monica*, 450 F.3d 1022, 1025 n.2 (9th Cir. 2006) (taking judicial notice of portions of city ordinances); *Dudum v. Arntz*, 640 F.3d 1098, 1101 n.6 (9th Cir. 2011) (taking judicial notice of official election results on city website).

These provisions of the S.F. Charter are relevant to Defendants’ arguments in their Motion to Dismiss that the Airport Commission of the City and County of San Francisco is not a proper Defendant in this matter. *See* Defendants’ Memorandum of Points and Authorities in Support of Motion to Dismiss, Section V.

For these reasons, Defendants respectfully request that the Court take judicial notice of Article 1, § 1.101, and Article IV, §§ 4.100, 4.102, 4.115, and 4.126 of the S.F. Charter.

Additionally, Defendants are providing a copy of a document Plaintiffs reference, but do not attach, to their First Amended Complaint (“FAC”), entitled “TSA National Amendment: Centralized Revocation Database for Individuals with Revoked Identification Media TSA-NA-21-01A,” FAC at ¶ 53, of which the Court may take judicial notice. Fed. R. Evid. 201(b)(2); *see also Sierra Club v. U.S. E.P.A.*, 762 F.3d 971, 975 n.1 (9th Cir. 2014) (taking judicial notice of guidance issued by federal agency). This is not a publicly available document because it is “sensitive security information” (“SSI”) not subject to public disclosure under federal regulations. 49 C.F.R. § 1520.5(a), (b)(1), and (b)(2). The Airport has a copy of this document, which will be filed under seal as **Exhibit B** to the

1 Declaration of Molly J. Alarcon ISO Request for Judicial Notice. *See also* Defendants'  
2 Administrative Motion to File Under Seal.

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4 Dated: December 18, 2023

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6 Respectfully submitted,

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12 By: /s/ Molly J. Alarcon

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